

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LIANG HAOWEI,

Petitioner,

v.

DAVID W. JENNINGS, et al.,

Respondents.

Case No. 18-cv-07138 NC (PR)

**ORDER OF TRANSFER**

Petitioner, an immigration detainee, has filed a federal petition for writ of habeas corpus, under 28 U.S.C. § 2241. Petitioner is currently being held at the Mesa Verde ICE Processing Center in Bakersfield, California. Petitioner's underlying federal habeas petition challenges his current detention.

Section 2241 allows "the Supreme Court, any justice thereof, the district courts and any circuit judge" to grant writs of habeas corpus "within their respective jurisdictions." 28 U.S.C. § 2241(a). Relying on the "within their respective jurisdictions" language, the Supreme Court held that personal jurisdiction over a federal habeas corpus petition lies exclusively in the single federal judicial district in which both the custodian of the prisoner

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1 and the prisoner reside. *Ahrens v. Clark*, 335 U.S. 188, 190-91 (1948). Although this  
2 court may have jurisdiction to hear a petition, *see Braden v. 30th Judicial Circuit Court*,  
3 410 U.S. 484, 494-95 (1973), *Braden* also makes clear that “venue considerations may,  
4 and frequently will, argue in favor of adjudication of the habeas claim in the jurisdiction  
5 where the habeas petitioner is confined.” *Chatman-Bey v. Thornburgh*, 864 F.2d 804, 814  
6 (D.C. Cir. 1988). Federal courts generally take the position that the district of confinement  
7 “is normally the forum most convenient to the parties,” *McCoy v. United States Bd. of*  
8 *Parole*, 537 F.2d 962, 966 (8th Cir. 1976), and therefore exercise discretion in transferring  
9 petitions to the district of confinement “in the interests of justice” pursuant 28 U.S.C. §  
10 1404(a). *See id.*; *see also Dunne v. Henman*, 875 F.2d 244, 249-50 (9th Cir. 1989)  
11 (suggesting that even where district court has personal jurisdiction over custodian,  
12 preferred forum is district where petitioner is confined).

13 Because petitioner is located within the jurisdiction of the Eastern District of  
14 California, this case is TRANSFERRED to the Eastern District of California. *See* 28  
15 U.S.C. § 1404(a). The Clerk shall terminate all pending motions and transfer this matter  
16 forthwith.

17 **IT IS SO ORDERED.**

18 DATED: December 4, 2018

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NATHANAEL M. COUSINS  
United States Magistrate Judge